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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,480	01/05/2001	Michael L. Scherbarth	P1018	5092

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EXAMINER

ZARNEKE, DAVID A

ART UNIT PAPER NUMBER

2827

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

012

Office Action Summary	Application No. 09/755,480	Applicant(s) SCHERBARTH ET AL.	
	Examiner David A. Zarneke	Art Unit 2827	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____ .
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____ .
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/12/02 have been fully considered but they are not persuasive.

Applicant argues that Hirschi is directed to a non analogous field of art.

The examiner takes the position that Hirschi does indeed fall within an analogous field of art. Both the present invention and Hirschi recite packaging inventions. Though the present invention is directed to IC packaging and Hirschi to coffee creamer packaging, one of ordinary skill in the art would be motivated to search and combine coffee creamer packaging with IC packaging because they both teach packaging techniques.

Art may be analogous if it solves the same problem as the present invention. *In re Melin* 165 USPQ 168 (CCPA 1970).

Art may be outside applicant's field of endeavor and still be analogous if both fields share the same common problem. *In re Nilssen* 7 USPQ 2d 1500 (Fed Cir 1988).

The determination of whether art is analogous is a 2 step test:

1) decide if the art is in the same field of endeavor as the inventor's; and

2) if not, determine if the reference is reasonably pertinent to the particular problem with which the inventor was involved. *In re Deminski* 230 USPQ 313, 315 (Fed Cir 1986); *Stratoflex Inc, v. Aeroquip Corp.* 218 USPQ 871, 876 (CCPA 1983); *In re Wood* 202 USPQ 171, 174 (CCPA 1979).

Therefore, with this in mind, the examiner asserts that while Hirschi is outside the inventor's specific field of endeavor, it does fall within the same broad field of packaging and it solves a similar problem as the inventor. Namely, they both allow access to an article (an IC and a coffee creamer container) by making the release film covering the article easier to remove. Both allow easier removal of the release film by having an area of material alteration formed in the article.

Claim Rejections - 35 USC § 103

For at least the reasons cited above, the 35 USC § 103 recited in the previous office action is still stands as written.

Specifically, claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Hirschi, Swiss Patent 672,624.

Applicant's admitted prior art teaches a lead frame apparatus comprising:

a flat thin conductive material for forming a lead frame;

a strip of adhesive material attached to one side of the lead frame and having the same dimensions as the lead frame; and

a plurality of die-attach pads arranged on the side opposite of the adhesive material for receiving IC packages for encapsulation.

Applicant's admitted prior art fails to teach at least one geometric area of alteration located at either frame end to enable a user easy access to the adhesive material for the purpose of removing it from the lead frame.

Hirschi teaches a coffee cream container comprising a tab (5) extending from the container having a perforated severing line (7), wherein a cover portion (4) is removed from the container portion (2) by breaking the tab along the perforated severing line and peeling off the cover.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the perforated severing line of Hirschi in Applicant's admitted prior art because cover removal using this method makes gaining entry into the container quicker and easier.

Regarding claim 2, Applicant's admitted prior art teaches the use of a thermal resist tape.

With respect to claim 3, Applicant's admitted prior art teaches the thermal resist tape as having the same dimensions as the lead frame.

As to claim 4, Hirschi teaches a perforated tab portion (5).

Regarding claim 5, the shape of the geometric area of alteration is an obvious matter of design choice. Design choices and changes of size are generally recognized as being within the level of ordinary skill in the art (MPEP 2144.04(d)).

With respect to claim 6, the area the geometric area of alteration covers is an obvious matter of design choice. Design choices and changes of size are generally recognized as being within the level of ordinary skill in the art (MPEP 2144.04(d)).

As to claim 7, when transplanting the idea of Hirschi to Applicant's admitted prior art, it would have been obvious to one ordinary skill in the art at the time of the invention

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to optimize the perforated line formation in the lead frame as being formed using an etching technique (MPEP 2144.05(b)).

Regarding claims 8 and 9, the use of conventional materials to perform there known functions in a conventional process is obvious. In re Raner 134 USPQ 343 (CCPA 1962). The area of alteration being an area having an absence of material is commonly known. Individual coffee cream containers, yogurt containers or butter containers found in restaurants and on airplanes are known to have an area not having any material to allow easy access to the adhesively applied cover.

As to claims 10-14, it would have been obvious to one ordinary skill in the art at the time of the invention to optimize the shape of the altered area and the number of altered areas (MPEP 2144.05(b)).

Regarding 15, Applicant's admitted prior art teaches the use of heat to aid in the removal of the adhesive material.

With respect to claim 16, the use of conventional materials to perform there known functions in a conventional process is obvious. In re Raner 134 USPQ 343 (CCPA 1962). A hot plate is a conventional, commonly used heat source that is notoriously well-known in the art.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication from the examiner should be directed to David A. Zarneke at (703)-305-3926. The examiner can normally be reached on M-F 10AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (703)-305-9883. The fax phone numbers for the organization where this application is assigned are (703)-308-7722 for regular communications and (703)-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703)-308-0956.


David A. Zarneke
October 28, 2002


ALBERT W. PALADINI
PRIMARY EXAMINER